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# Memorandum

**To:** Commission Members  
**From:** Nicholas Livesay; Rod Falla  
**Date:** July 5, 2016  
**Re:** Marinas and Other Uses of the Moose River

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The Moose River is an approximately 3-mile long river in Rockwood that flows from Brassua Lake into Moosehead Lake. The river typically ranges from 130 to 350 feet in width. In recent years, Commission staff have met with a number of individuals interested in expanding or developing marinas or larger-scale docking facilities along the river.

In addition to being used for marina-scale boat storage, the river also is used by individuals for recreational boating, residential docks, fishing, and float plane navigation. An increase in marina development along the river has the potential to result in increasing conflict with other uses of the river, particularly fishing. The river is a popular trolling location, particularly in the spring/early summer and fall. The Commission, both in its planning and permitting capacities, is responsible for helping manage competing uses of the river.

A core purpose and responsibility of the Commission is to provide sound planning for the unorganized and deorganized area of the State. This involves appropriately balancing competing uses and recognizing and respecting both private rights and public interests. *See* 12 M.R.S. § 681 and Ch. 10.23,N,1 (included as Attachment A). To date, the Commission has not adopted any policies specific to marina development on the Moose River. This is something the Commission may want to consider going forward.

Instead of a conducting a review of the river and developing an overall approach for balancing competing uses along its entire length, the Commission has considered the impacts of marinas on a case-by-case basis as part of the permitting process. A range of potential impacts are considered during permit review, including natural resource impacts and impacts to existing uses. The permitting process is valuable in this respect.

A potential short-coming of case-by-case permit review, however, is the difficulty of addressing cumulative impacts in this process. For example, marinas may interfere with fishing in the river.



Although an individual marina or a handful of marinas may impact fishing, this impact may be acceptable. At some point, however, the number and extent of marinas could become so great that further marina development would result in an undue adverse impact because of the overall impact on the ability of others, such as fishermen, to use the river. Staff from the Department of Inland Fisheries and Wildlife (IFW) have expressed concerns about the possibility of such a result due to marina development along the Moose River. (*See* Attachment B.)

At the upcoming Commission meeting, staff will provide additional background on the Moose River and recent marina proposals, as well as discuss options for moving forward with review of permit applications and possible development of a policy that recognizes the many uses of the river and helps the Commission fulfill its planning responsibilities.

## **Attachment A**

### **12 M.R.S. § 681**

The Legislature finds that it is desirable to extend principles of sound planning, zoning and development to the unorganized and deorganized townships of the State: To preserve public health, safety and general welfare; to support and encourage Maine's natural resource-based economy and strong environmental protections; to encourage appropriate residential, recreational, commercial and industrial land uses; to honor the rights and participation of residents and property owners in the unorganized and deorganized areas while recognizing the unique values of these lands and waters to the State; to prevent residential recreational, commercial and industrial uses detrimental to the long-term health, use and value of these areas and to Maine's natural resource-based economy; to discourage the intermixing of incompatible industrial, commercial, residential and recreational activities; to prevent development in these areas of substandard structures or structures located unduly proximate to waters or roads; to prevent despoliation, pollution and detrimental uses of the water in these areas; and to conserve ecological and natural values.

The Legislature declares it to be in the public interest, for the public benefit, for the good order of the people of this State and for the benefit of the property owners and residents of the unorganized and deorganized townships of the State, to encourage the well-planned and well-managed multiple use, including conservation, of land and resources and to encourage and facilitate regional economic viability. The Legislature acknowledges the importance of these areas in the continued vitality of the State and to local economies. Finally, the Legislature desires to encourage the appropriate use of these lands by the residents of Maine and visitors in pursuit of outdoor recreation activities, including, but not limited to, hunting, fishing, boating, hiking and camping.

## **Chapter 10**

Flowing waters such as the Moose River are within the P-WL1 subdistrict. Among the purposes of the this subdistrict is "to help insure compatible surface water uses on those water bodies where there is the potential for conflict with other uses and values of such water bodies." Ch. 10.23,N,1.

## **Attachment B**

## Moose River Marina issues

The Moose River flows approximately 3 miles from the Brassua Dam downstream to Moosehead Lake. This river is an important coldwater fishery for the region. It is a popular river for anglers seeking wild landlocked salmon and brook trout. The upper 1 mile is characterized as rocky riffle/runs with scattered pools. It is excellent spawning and nursery habitat for wild landlocked salmon and brook trout. Wading anglers heavily utilize this area and there is occasional boat traffic, primarily from canoes and small outboards. The remaining 2 miles of the Moose River is slower moving and affected by the lake elevation. This area of the river has a traditional trolling fishery, especially in the spring months. Anglers can troll from Moosehead Lake and fish upstream to the base of the Rock Pile Pool. This area is especially busy on windy days when boating conditions are dangerous on Moosehead Lake. Anglers that troll are traveling at very low speeds and often weave back and forth across the channel with fishing lines well behind the boat.



*This photo was taken from the Gilbert Marina in May 2008.*

The recent increase in interest to develop marinas in the river concerns the Maine Department of Inland Fisheries and Wildlife (ME IFW). We feel the current policy, which allows marinas to extend across 1/3 of the channel, does not adequately protect the traditional use of the river and the piecemeal effect of these structures is changing the character of the Moose River. The current policy appears to only consider navigation. We would maintain that there are other activities on this river, in addition to navigation, that are long-established and equally important. It is becoming more difficult for anglers to use the lower reaches of the river due to the cumulative effect of the marinas protruding into the river. These structures reduce the amount of area available for angling and could cause navigation problems. Historically, landowners along the river had single docks set perpendicular to the shore. The inserted image clearly illustrates the number of smaller, less-obtrusive docks in comparison to the lower Gilbert marina (lower red circle), which appears to reduce the total channel by nearly 50%. The natural channel is already constricted at this location and the marina severely confines the travel corridor for boat traffic and has eliminated an area that was available for fishing. There is another existing marina owned by Gilbert just below the Rockwood Bridge (red circle) that has been expanded in recent years.

Another marina (Douglas) was approved for a location (green circle) just upstream of the lower Gilbert development.

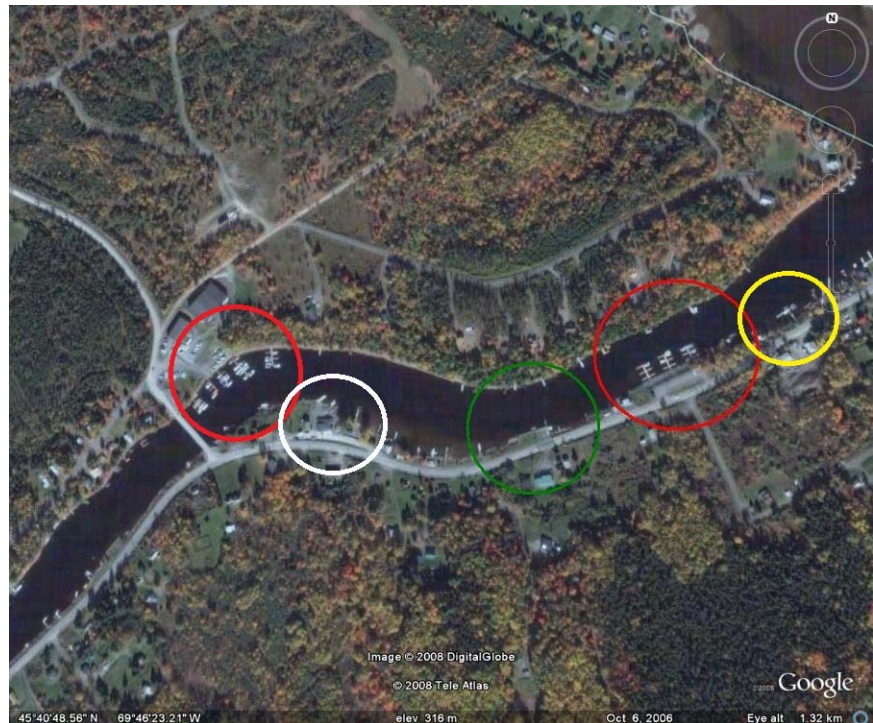
We now have an application for another marina at Moosehead Bait and Tackle (yellow circle) and have heard rumors that the store in Rockwood may become a refueling location for float planes (white circle). Each of these projects has the potential to increase congestion in the river.

The ME IFW has historically conducted aerial angler counts on Moosehead Lake to estimate angler use. The lake is divided

into 9 subareas including this section of the Moose River. Standard protocol for conducting aerial counts includes flying over the entire lake and Moose River (from Brassua Dam downstream to Moosehead Lake) on a schedule that includes one weekend day and at least one weekday per week. Flights begin at ice-out and continue through the end of July. It is preferred to conduct the flights through the end of September but it was determined in the early 1970's that early season estimates could be used to estimate the full seasons angler use and two 5-month samplings have verified those initial findings.

Counts on Moosehead Lake and the Moose River began in 1967 and were conducted annually through 1979. Flights resumed in 1985 and were then conducted annually until 2002. Due to budgetary constraints, flights were not scheduled until 2015. Angler use in the lower Moose River exhibited some fluctuation during this period but it was consistent with angler use trends on Moosehead Lake. Use estimates for the entire open water season in the Moose River ranged from 718 angler days (359 boats) in 1995 to 4,170 angler days (2,085 boats) in 1986. The average number of angler days during the same period was estimated to be 2,098 (1,049 boats) for the section of Moose River below Brassua Dam. The estimate of 4,170 in 1986 was at a time when angler use in the Moosehead Region was near its peak. ME IFW was primarily interested in estimating angler use and harvest. Therefore, these estimates do not include recreational (non-fishing) boating.

Aerial counts conducted in 2002 recorded both fishing boats and recreational boats in Moosehead Lake and the Moose River. Kennebec Water and Power Company partially funded these counts to address relicensing requirement for periodic recreational assessment. Forty-four counts were conducted from May through September. Fishing activity in this section of the lower Moose River accounted for 92% and 72% of the boating activity in May and June respectively. However, as the summer progressed the boating activity shifted from fishing to more recreational or pleasure boating.





Recreational boating accounted for 83%, 98%, and 80% of the boating activity for the months of July, August, and September. The following table summarizes boating use on the lower Moose River in 2002:

<b>Moose River 2002</b>	<b>Fishing Boats</b>	<b>Recreational Boats</b>
<b>May</b>	92%	8%
June	72%	28%
July	17%	83%
August	2%	98%
September	20%	80%

Total angler use on Moosehead Lake during May, June, and July of 2002 was 14,087 angler-days. By comparison, the 2015 estimate for the same period was 10,113 angler-days. The confidence intervals on these point estimates do slightly overlap but it is likely there has been a decline in the open water season use since the more robust estimate of 2002. However, it is unknown if recreational use has increased or decreased.

The ME IFW has identified salmon spawning habitat above the red posts stationed just upstream of what was known as Woody’s campground (about 1.1 miles upstream of the Rockwood bridge). The substrate in these areas should be undisturbed. Spawning activity begins in late September/early October and continues through mid-November. Trout and salmon fry emerge from the redds in late April or early May. This area is shallow with flowing water and is currently designated Fly Fishing Only. We would recommend no permits for marinas upstream of this location.



The angler use data illustrate that in addition to early fishing activity there is a large contingent of recreational boaters in the lower Moose River from Woody’s downstream to Moosehead Lake. The ME IFW feels that the addition of more docks constructed in such a way that they extend 1/3 of the way across the river channel would further impede traditional fishing activity in this area especially in May, June, and September. We request that LUPC reassess the current standards for marinas on the Moose River and give traditional fishing activity equal consideration along with navigation. Options could include reducing the distance these marina structures extend into the river to a distance similar to the existing private docks (max 50 ft), limiting the period when these structures are present in the river (July 1- Sept 1) when there are few anglers on the river, and/or limiting the number of marinas on this short section of river.

Submitted by: Tim Obrey - Maine Department of Inland Fisheries and Wildlife, Moosehead Lake Region.